

THE AMENDMENT TO REGULATION OF THE TRADE MINISTER NO. 12/M-DAG/PER/4/2008 ON PROVISIONS ON THE IMPORT AND EXPORT OF RICE

(Regulation of the Trade Minister No. 13/M-DAG/PER/3/2009 dated March 30, 2009)

BY THE GRACE OF GOD ALMIGHTY

THE TRADE MINISTER OF THE REPUBLIC OF INDONESIA,

Considering :

- a. that judging by the current conducive national rice production, the country has the potential to export rice by always observing the food security;
- b. that to achieve the food security, efforts to improve the income and living standard of rice growers as well as to create national economic stability must be supported by a policy on the export of rice;
- c. that in consideration of the matters in letters a and b, it is necessary to stipulate Regulation of the Trade Minister;

In view of :

1. Trade Ordinance 1934 (Statute Book of 1938 No.86) as has been amended and supplemented;
2. Law No.16/1992 (*BN No. 5300 pages 17A-19A and so on*) on Animal, Fish and Plant Quarantine (Statute Book of 1992 No. 56, Supplement to Statute Book No. 3482);

3. Law No. 7/1994 on the Ratification of Agreement Establishing The World Trade Organization (Statute Book of 1994 No. 57, Supplement to Statute Book No. 3564);
4. Law No.10/1995 (*BN No. 3812 pages 19A-20A and so on*) on Customs Affairs (Statute Book of 1995 No. 75, Supplement to Statute Book No. 3612) as has been amended by Law No. 17/2006 (Statute Book of 2006 No. 93, Supplement to Statute Book No. 4661);
5. Law No. 7/1996 on Food (Statute Book of 1996 No. 99, Supplement to Statute Book No. 3656);
6. Government Regulation No. 14/2002 (*BN No. 6781 pages 15A-32A and so on*) on Plant Quarantine (Statute Book of 2002 No. 35, Supplement to Statute Book No. 4196);
7. Government Regulation No. 68/2002 (*BN No. 6896 pages 27A-32A and so on*) on Food Security (Statute Book of 2003 No. 142, Supplement to Statute Book No. 4254);
8. Presidential Decree No. 260/1967 on the Affirmation of Tasks and Responsibilities of the Trade Minister in the Field of Foreign Trade;

9. Presidential Decree No. 187/M/2005 (**BN No. 7182 pages 30A-31A**) on the Formation of Mutual-Help Cabinet as has been several times amended the latest by Presidential Decree No. 171/M/2005;
10. Presidential Regulation No. 9/2005 (**BN No. 7182 pages 2A-23A**) on the Position, Task, Function, Organizational Structure and Work Mechanism of State Ministries of the Republic of Indonesia as has been several times amended the latest by Presidential Regulation No. 20/2008;
11. Presidential Regulation No.10/2005 on the Organizational Unit and Task of First Echelon Officials of State Ministries of the Republic of Indonesia as has been several times amended the latest by Presidential Regulation No. 21/ 2008;
12. Decree of the Industry and Trade Minister No.558/MPP/Kep/12/1998 (**BN No. 6252 pages 10A-12A and so on**) on General Provisions in the Export Field as has been several times amended the latest by Regulation of the Trade Minister No. 01/M-DAG/PER/1/2007 (**BN No. 7475 pages 17A-25A**);
13. Regulation of the Trade Minister No. 01/M-DAG/PER/3/2005 on the Organizational Structure and Work Mechanism of the Trade Ministry as has been several times amended the latest by Regulation of the Trade Minister No. 34/M-DAG/PER/8/2007;
14. Regulation of the Trade Minister No. 12/M-DAG/PER/4/2008 (**BN No. 7672 pages 1A-12A**) on Provisions on the Import and Export of Rice;

By observing :

1. Letter of the Coordinating Minister for Economic Affairs to the President of the Republic of Indonesia No. S-18/

M.EKON/03/2009 dated March 11, 2009 on Developments in the Situation of Basic Necessaries Particularly Rice, Cooking Oil and Sugar;

2. Letter of the Agriculture Minister to the Trade Minister No. 53/PP.310/M/3/2009 dated March 11, 2009 on the Special/Certain Mechanism of Exporting Rice;

DECIDES :

To stipulate :

REGULATION OF THE TRADE MINISTER ON AMENDMENT TO REGULATION OF THE TRADE MINISTER NO. 12/M-DAG/PER/4/2008 ON PROVISIONS ON THE IMPORT AND EXPORT OF RICE

Article I

Several provisions in Regulation of the Trade Minister No. 12/M-DAG/PER/4/2008 on Provisions on the Import and Export of Rice shall be amended as follows;

1. Chapter V Article 10 paragraph (1), paragraph (2), paragraph (4), paragraph (5), paragraph (6) and paragraph (7) shall be amended so that it reads as follows:

CHAPTER V

THE EXPORT OF RICE

Article 10

- (1) The export of rice of certain type as referred to in Attachment III to this Ministerial Regulation can only be conducted if domestic rice supplies exceed the needs.
- (2) The export of rice as referred to in paragraph (1) for the types of rice in the husk in this case paddy or rough especially for the purpose of seed under headings

1006.10.00.00, fragrant rice other than Thai Hom Mali under headings 1006.30.19.00, and other types of rice under headings 1006.30.90.00:

- a. with the level of broken rice reaching a maximum of 5% can be conducted by state-owned companies, regional government-owned companies or privately-run companies;
- b. with the level of broken rice exceeding 5% up to 25% can only be conducted by the State Logistics Board (Bulog).

(3) Each company can conduct the export of rice as referred to in paragraph (1) for the type of sticky rice under headings 1006.30.30.00.

(4) The export of rice for :

- a. the type of rice as referred to in paragraph (2) letter a and paragraph (3) can be conducted only after securing export approval from the Minister or the appointed official by observing recommendations from the Agriculture Minister or the appointed official through discussion with the relevant agencies;
- b. the type of rice as referred to in paragraph (2) letter b can be conducted only after securing export approval from the Minister by observing recommendations from the Coordination Team.

(5) To secure export approval the companies as referred to in paragraph (2) and paragraph (3) shall file a written application to the Minister through the Director General by attaching :

- a. Business permit (SIUP);
- b. certificate of the company's registration (TDP); and
- c. recommendation from the Agriculture Minister or the appointed official, for the export of rice as

referred to in paragraph (2) letter a and paragraph (3); or

- d. recommendation from the Coordination Team as referred to in paragraph (2) letter b.

(6) The approval or rejection of the application for the export of rice as referred to in paragraph (5) shall be issued no later than 5 (five) work days after the application has been received in a complete manner.

(7) The export rice as referred to in paragraph (2) and paragraph (3) shall be put in packs carrying the identity of the company and other information (produced in Indonesia, prime quality/level of broken).

2. Article 15 shall be amended so that it reads as follows:

Article 15

(1) The company as referred to in Article 4 paragraph (3) and the company as referred to in Article 10 paragraph (2) that have secured approval for the import or export of rice shall submit a written report on the import or export of rice to the Minister, with copies addressed to :

- a. The Coordinating Minister for Economic Affairs; and
- b. The Agriculture Minister.

(2) The report as referred to in paragraph (1) shall be submitted every month no later than the 15th of the ensuing month.

3. Attachment III to Regulation of the Trade Minister No. 12/M-DAG/PER/4/2008 on Provisions on the Import and Export of Rice shall be amended so that it becomes as contained in the attachment to this Ministerial Regulation.

Article II

This Ministerial Regulation shall come into force as from April 1, 2009.

For public cognizance, this Ministerial Regulation shall be announced by placing it in the State Gazette of the Republic of Indonesia.

Stipulated in Jakarta

on March 30, 2009

THE TRADE MINISTER,

sgd.

MARI ELKA PANGESTU

ATTACHMENT

Certain Types of Rice Which Can Be Exported

No.	Headings	Description of Goods	Remarks
1.	10.06	Rice	Only for the purpose of seed
	1006.10.00.00	-Rice in the husk (paddy or rough)	
	1006.30	-Semi-milled or wholly-milled rice, whether or not polished or glazed	
2.	1006.30.19.00	--Fragrant rice	Fragrant rice
3.	1006.30.30.00	---Other	Non fragrant rice
4.	1006.30.90.00	--Sticky rice;	
		---Other	

THE TRADE MINISTER,

sgd.

MARI ELKA PANGESTU

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